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AUTHOR Addelston, Lorraine W.; Addelston, Aaron
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ABSTRACT

This report is based on information gathered in preparation for and during a tour of the capitals of Japan, the People's Republic of China, Hong Kong, and Taiwan to study juvenile delinquency in those countries and to examine efforts by their governments to prevent delinquency. Included are ideas, procedures, and programs which delegation members considered useful as models for programs in New York City. Each country is examined in a separate section of the report. The extent of juvenile crime in each country is reviewed along with an examination of the types of offenses committed by juvenile offenders. The roles of education and culture are discussed, the impact of cultural and governmental changes in recent years is explored, and arrest and legal procedures for each country are described. National efforts to prevent crime are explained and visits with criminal authorities, judges, and detention home officials are described. Questions and answers between delegates and officials are included. Visits to reformatories, training schools, rehabilitation programs, and probation programs in each of the countries are described, and the functioning of such programs is explained. A brief summary of highlights of the visits to Tokyo, Beijing, Hong Kong, and Taipei concludes the report. (NRB)

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5 Nations, 1 Problem

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as seen by two members of

The Juvenile Justice Delegation

to Asia

of

People to People International Ambassador Program Oct. 27-Nov. 17,1984.

WHAT NEW YORK CITY CAN LEARN FROM THE ORIENT ABOUT JUVENILE JUSTICE

A Report to the Criminal Justice Committee
of the League of Women Voters of New York City
(Lorraine W. Addelston & Helen E. Harden, Co-Directors)

by

Lorraine W. Addelston
and
Aaron Addelston
Delegates

People to People International Citizen Ambassador Program
Juvenile Justice Delegation to Japan, People's Republic of China, Hong Kong, and Taiwan, October 27, 1984 - November 17, 1984.

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Lorraine W. Addelston

Editor Eileen R. Powell
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INTRODUCTION

The delegation had received in the months prior to departure a large quantity of briefing material on the history, politics, and socio-economic realities of the four countries whose capitals we were to visit as guests of their ministries of justice.

In each city, we maintained detailed diaries of each day covering the speeches we heard, the juvenile justice locations we visited and the inferences we drew. In addition, from each city we came away with copious notes and much mimeographed and printed material presenting the purposes and programs of each ministry of justice.

This report is based upon an articulation and integration of the above sources.

The purpose of this report is to select from the vast amount of material those ideas, procedures and programs which we think may be used in part or in whole as models or ideas worthy of replication in New York City. We are, therefore, not reporting on everything we saw or heard, and we are occasionally providing a little background philosophy which guides our evaluation of the items on which we are reporting.

Lorraine W. Addelston

Aaron Addelston

JAPAN

The Juvenile Justice Delegation of People to People International met with juvenile justice authorities and visited juvenile justice locations in Japan from October 30 through November 5, 1984.

Japan suffers the same increase in juvenile crime as the United States and other western countries. This was a little startling to us, because for some reason, we had been led to believe that Japanese children, respectful of their parents and teachers, did not engage in the crimes that western children did. We learned that there has been such an increase in crime by juveniles, especially at the junior high school level, that the numbers are at or above the numbers in the west, and juvenile crime in Japan is now estimated to be 60% of the total crime. In an official White Paper, dated 1981, the number of criminal offenses committed in 1980 is given as the highest in 16 years, reaching 1,350,000. The ratio of juveniles has been increasing; in 1980, arrests of juveniles, excluding traffic violations, reached the highest level in 15 years; the ratio of juvenile to total crime is higher than in the United Kingdom or West Germany, more closely resembling figures in the United States.

Offenses by Japanese children include shop-lifting, bicycle thefts, use of drugs, including stimulants (but not including marijuana, heroin or cocaine), participation in gangs, assaults on teachers, violence at home, especially against the mother. Eighty per cent of juveniles in trouble with the law come from homes of MORE than average means, and live with both natural parents. Crimes of "pleasure seeking" are most important. During the past ten years, the number of junior high school students arrested (which the Japanese police call "guided"), rose from 25,000 to 90,000 per year. The average age of juvenile delinquents is dropping because the psychological pressures are felt earlier.

This increase in juvenile crime is often ascribed to the changes in society resulting from World War Two and its aftermath. For example, junior high school students suddenly became aware of Japanese society's hypocrisy with respect to sex. As a 1983 article in Time magazine says, "Open sex and silent frustration are characteristic of Japan.... There is a distinction between mistresses and prostitutes that is difficult to comprehend. Young people are learning that the morals of their country, thought to be secure, are false indeed." Japanese business men travel abroad popularly on packaged sex tours, mislabeled as sightseeing or business tours. Each year, some one million men

make trips to Taipei, Bangkok, Seoul and Manila, often visiting "Japanese-only" bars and brothels; advertisements advise, on such a trip, "throw away shame." As a result of the new openness, the respectable father figure is destroyed.

Japan provides free education for all: six years of elementary school, 3 years of junior high school. The majority of students go on to three years of high school and those able to pass difficult examinations are admitted to four-year colleges. Competition for the higher schools is alleged to create an atmosphere in which success is essential and suicide is a way out.

Japanese culture is pervaded by the idea that with true effort you can succeed, and if you're not achieving, you haven't tried. Japanese make no effort to single out slow or gifted children for special classes, nor are inadequate pupils held back; the shame is thought too great. Japanese children attend school 240 days a year, including a half-day on Saturday, as compared with 180 days in the United States. Although Japanese students get 5 hours of homework a night, many are sent to after-school cram courses; even pre-schoolers may attend such a cram school. For the 95% who go on to high school, extra-curricular activities such as music and sports are eliminated. During the final three years, all study Japanese and Chinese classics in addition to linear algebra, inorganic chemistry, mechanical physics, electronics statistics, and calculus. Most students are NOT taught to use computers, chiefly because questions pertaining to computers are not included in the all-important college entrance examinations. To win one of 3000 places at the prestigious University of Tokyo, one must be in the top 3000 scores. Other signs of intelligence or well-connected relatives don't help. Only about 38% enter college on the first try. The system does not encourage creativity or individuality.

Worried by an increase in youth crime, and assaults on teachers, the National Teachers Union argues that students cannot develop their personalities fully in such a tightly controlled environment. The cycle of love, hate, and forgiveness in the traditional Japanese family develops sustained dependence on the mother, and paves the way for adult dependence on the familial group and on the corporation that later engulfs and sustains them. A Japanese child is pampered, subjected to permissiveness, and then brought into the highly competitive school system. Major stress signs are schizophrenia, depression, alcoholism. Treatments to which such children are subjected might be considered by Americans as brain-washing. There is a program of one week of meditation, which aims at eliminating the patient's unwillingness to work, a week of being confined to bed, without visitors, TV, reading, or talk about self. A cure rate of 90% is claimed.

Until World War II, women in Japan bowed to the authority of father, husband, and son. Today, there is extreme deference to harmony of a group; Japanese men relax with other men, rather than with their own wives. The younger generation wants to share in the home. Another problem said to disturb young children is that two-thirds of the women have had abortions, and they are very frank about that. Women's salaries, needed to maintain home status, are unequal to those of men in similar positions.

There is much misunderstanding between adults and children. A Japanese principal, who committed suicide, left a note apologizing for not having done enough to control violence among the youth. The educational system is blamed for its stressful competition and difficult examinations. It is believed that gangs are organized to develop a sense of power in an otherwise powerless group of youngsters.

What is Japan doing to handle its juvenile problems?

On June 25, 1982, the Cabinet - note that this is at the highest centralized level - issued a decree, subsequently promoted by a Committee for the Promotion of Crime Preventive Measures. The decree stated in part: "The Cabinet of Japan, wishing to protect youths from juvenile delinquency, and wishing them to become righteous leaders of the next generation, accepts its responsibility for the development of a national movement... The government will promote measures for the prevention of crime and the development of healthy, sound youth..... The parents, schools, and youth shall cooperate and work as one..... Special services shall be provided at the time of the youth's release... (we) shall encourage the upgrading of recreation centers and libraries; shall promote the improvement of environment in stores and near bicycle racks adjacent to stations. ...will provide information on child-rearing and guidance for parents. At school such guidance will be provided so that students will develop into intellectually, morally and physically balanced adults. ....Parents will be informed about counseling services for problem youths...."

To implement this decree, the Committee for the Promotion of Crime Prevention Measures, which unfortunately expired in August 1984, according to plan, engaged in such activities as:

A nationwide Month for Juvenile Crime Prevention.
Strengthening of Regional Prevention Activity with special attention to in-store theft, paint and thinner sniffing stimulants.
Cooperation with school authorities to break up gangs.
Education of parents in crime prevention.

Development in schools of programs with originality and substance. Development of principal-teacher-student teams, guidance services; conducting of parent and community conferences on guidance.

To cope with the increased diversity and complexity of cases of juvenile crime, The Government will tighten policies of investigation. Cooperation among police departments, investigation departments, family court, juvenile classification office probation office and youth guidance centers shall be strengthened.

The return of the youth under probation to society shall be promoted. Probation officers and inspectors shall work in unison. A program of after-care is required.

Our delegation spent much time in heart-to-heart questioning with representatives of the Criminal Investigation Bureau of the Prime Minister's Office. I cannot stress too much that cabinet ministers consider juvenile crime a problem for concern at the top, central, national level. Following are selected Questions and Answers:

Q. Define juvenile and juvenile crime.
A. The age of 20 is majority; below 20 is a juvenile. Criminal law concerning juveniles uses 14 as the break-off point.

Q. What are major types of crimes that juveniles commit?
A. Theft is at the top, then assault.

Q. What are the types of delinquent behavior in JHS?
A. No statistics available, but theft and violence are probably most frequent.

Q. Are there special juvenile detention centers or are juveniles locked up with adults?

A. Under 14 years of age, there are no arrests; they are not punishable. Police guide the children and their parents; very few cases are prosecuted. The prosecutor sends others (over 14) to the Family Court. If the crime is heinous, the Family Court returns the case to the prosecutor. Children are handled separately from adults.

Q. Is drug abuse a major problem? If so, are pills, solvents, and alcohol used?
A. Last year there were about 60,000 cases; 50% was paint-solvent abuse.

Q. Is there a difference in handling juvenile delinquents in rural and urban areas?
A. Most of the law is centralized, but where there are local differences, they apply.

Q. Are there youth members of women on the Council set up by the Cabinet Decree?
A. No youth members; there have been some discussions about the advisability of including youth members but it has not been done as yet. There are 3 women out of 20 on the Council: 1 represents youth hostels, 1 athletic associations and 1 mothers.

Q. Are there representatives in court to guarantee youths their rights?
A. The court's procedure protects their rights.

Q. Are the youths not prosecuted, for age or other reasons, referred for health or other guidance?
A. The Probation Officers work with the Family Court; the delinquent may be sent to a national home.

Q. Are handcuffs ever used on juveniles?
A. If necessary.

Q. What influence does your school program have on the violence in the schools?
A. The problem in the schools is serious. Police confer with educators every 2 months and with Parent-Teacher associations. We emphasize the human rights of the juveniles and try to protect them. Truancy is not a crime but is considered in the investigation of crime.

Q. Does the juvenile have the right to have a parent or guardian present when he is questioned?
Can he remain silent and refuse to talk?
A. That depends upon whether we're talking about the investigational or trial stage. The investigation is by local police, the trial by national police. It is possible that the parent may not be present.

Q. Is the youngster told he can have a lawyer?
A. Yes.

Q. Can he refuse to talk without one?
A. Yes.

Q. Are children using guns?
A. We have very strict gun control, even knives are rare.

Q. What percentage of juveniles are female?
Are they treated differently?
A. About 18%; of course, we have lady officers.

Q. Do probation officers work before the judge acts or after?
A. After. The judge accepts the case and then assigns it to probation.

Q. Does the prosecutor have an office in the court?
Does he appear in court?
A. There are no prosecutors in Family Court.

Q. Are there lawyers representing anyone in Family Court?
A. No lawyers, no attorneys, but attendants. There are very few cases where the juvenile pleads NOT GUILTY. (About 98% plead guilty).

Q. Why do so many plead guilty?
A. Our youth tell the truth; they trust the judges; our judges are known not to harass them.

Q. How do you account for the safety in the streets in Tokyo?
Is it true that women can walk alone?
A. This is an island country with homogeneous ethnicity; it is easy to investigate; economic conditions are good; education is good; we have strict control of guns and knives.

Q. Does one judge maintain supervision over a juvenile delinquency case until completed?
A. Yes.

Q. If the juvenile pleads Not Guilty, is there a full adversary hearing, or does the judge just investigate?
A. In such cases, the judge examines witnesses, and then, if he accepts the plea, it becomes adversarial. The judge asks the questions.

Q. Does the judge retain control after assigning a juvenile to a Reform or Training school?
A. The Probation Department retains control.

Q. How long does probation last?
A. Until the delinquent is 20 years old, but if the conduct is particularly good, after-care may be dropped after 1 or 2 years.

We visited two types of detention homes for delinquent children. Most interesting was the Tokyo Juvenile Classification Home. Its purpose is to receive juvenile delinquents, age 14-20 years, committed by the Family Court for pre-hearing

investigation and to classify them by personality diagnosis, social and environmental investigation, making full use of the methods and knowledge of such disciplines as sociology, psychology and psychiatry, and help the Family Court for the hearing and disposition.

Admission and release must be authorized by the Family Court judge. The term of confinement is 2 weeks, possibly extended, if necessary, for fuller investigation by decision of the judge, for a maximum of four weeks. It is neither a place for punishment nor a place for intensive reeducative treatment. Emphasis is on diagnostic procedures in a quiet and orderly environment.

The Tokyo Juvenile Classification Home includes an out-patient clinic to which patients are recommended by the local board of education, and accepted for diagnostic work. Their problems include frequent misbehavior, truancy, running away, personality and behavior problems of small children. The clinical staff visits the local junior high school to meet the students and give psychological tests to help the teachers and parents understand their problems and maladjustments to school life.

Following are excerpts from the Question and Answer period:

Q. Are delinquent and non-delinquent inmates mixed?
A. Some pre-delinquents may be mixed.

Q. Is religion considered? (Asked because we had seen no chapels).
A. Not many are religious. Some are devout Christians; they are allowed to read Bibles. Article 81 of the Japanese Constitution says that the Government cannot interfere in religious activities.

Q. Is there a different program for recidivists?
A. First offenders are not so isolated.

Q. Is a second offender sent back for reclassification?
A. One-fourth to one-third are such.

Q. Are murderers, arsonists, rapists set apart from the pre-delinquents?
A. They have different rooms and each is classified individually.

Q. Is a pre-delinquent a truant? a runaway? one who has committed a minor crime?
A. Article 3 of the Juvenile Law establishes three classes:

1. Those who have committed crimes.
2. Those under 14 who have committed crimes.
3. Youths with a tendency to disobey, hanging out with wrong groups, or hurting themselves or others.

Q. In case of transfer to other Juvenile Classification Homes, do the records and recommendations follow the juvenile?
A. About 75-80% of Classification recommendations are accepted by the Court, others by the Prosecutor's Office.

We also visited the Tama Juvenile Training School. The director said his school was highly influenced by the United States system. They receive two types of offenders, petty and felony. This is a long-term training home, 6-18 months. Stimulant control and road-traffic offenders are increasing.

When we visited the facilities, we noticed that the inmates in the dormitories had been trained to sit silently looking out inside windows at visitors.

We visited the vocational training shop where the equipment was out-of-date.

Excerpts from the Question and Answer period follows:

Q. What kind of traffic violations result in commitment here?
A. Repeated violations of speed limits; driving without license.

Q. Is the inmate's record open or sealed?
A. Records are sent to the Family Court, kept 8 years, then discarded.

Q. Is the record public during those 8 years?
A. Only if the Family Court says it is.

Q. Can inmates complete Senior High School education here?
A. By Correspondence Schools. There are 2 other Training Schools which do provide

academic training and those anxious to complete such education can be transferred there.

Q. Are released inmates ALL paroled? Or, are some released on their own?
A. Under parole until 20 years of age. If they don't abide by restrictions, the parole officer may apply to the Court for reincarceration.

Q. Is there any use of drugs to control inmates--sedatives? tranquilizers?
A. Only at first, if needed, some tranquilizers.

Q. What is the policy on corporal punishment?
A. If violent, dangerous to self or others, they may be handcuffed.

Q. Who has final decision on when to release inmates?
A. Maximum term here is two years. If the school thinks it is necessary, Family Court may approve a six-month extension; such extensions may be continued until age 23, but only six months at a time. There is a committee in the Ministry of Justice which has final decision on appeals.

Q. What about an inmate with very good behavior?
A. The director may appeal to Family Court for release.

The following statistics concerning population of the Tama Juvenile Training School are as of November 1, 1984:

Population: 176 Authorized Capacity: 174
Age: 16-20, most 17-18
Chief Reason: Theft, 42%
Junior High School graduates: 107

What can we learn from our visit to the Ministry of Justice in Japan and the facilities they operate?

1. There is value to a national thrust in concentrating the public thinking on a centralised program of public relations, planning and funding. Close cooperation among court, police, school and parents, as well as the youths themselves, and the concern of the highest level of government are replicable.

2. There is need for the concept of after-care; once a juvenile has been in a juvenile delinquent home, and has been exposed to punishment, guidance and care, he should not merely be sent out into the population to repeat the act for which he was committed. Tracking by the probation department for a long period of time is essential.

3. The concept of the Juvenile Classification Home for the early diagnosis of the pre-delinquent should be explored as a preventive and early treatment plan.

PEOPLE'S REPUBLIC OF CHINA

The Juvenile Justice Delegation of People to People International met with juvenile justice authorities and visited juvenile justice locations in the People's Republic of China from November 5 through November 8, 1984. The delegation was continuously escorted by 3 or 4 representatives of the Ministry of Justice who called for us early in the morning, ate with us, and returned us to our hotel after dinner. Each night ended with a banquet complete with Mao Tai and mutual toasts. There appeared to be a major ancillary purpose beyond the study of juvenile justice i.e. to show us how the present government respects the relics of its past and the path of its past to its present.

The juvenile justice program of China has only recently been partially opened for Western scrutiny. In 1975, George Crockett, past presiding judge of the Recorders Court of Detroit, wrote: "Although Chou En Lai had expressed the hope that United States Blacks and other minorities would visit, and although my own visa application had expressed the desire to talk with magistrates and visit courts in operation, I never saw one." Nine years later, in June 1984, a delegation from the American Bar Association, led by Robert MacCrate, Chairman of the Fund for Modern Courts, made some headway in the general area of criminal justice but only Judge Frank Kaufman and his wife, who were insistent, were able to penetrate the juvenile justice program.

People to People International was invited to study juvenile justice in China, after having submitted the following professional purpose statement to the Ministry of Justice: (Also included were biographies of the 34 delegates showing their concern with juvenile justice), "The purpose of this People to People Citizen Ambassador project is to observe and evaluate the various approaches used by East Asian nations in handling juvenile delinquency issues. Working relationships among law enforcement agencies, various courts and human service agencies are of particular interest to the delegation. Innovative approaches to handling delinquent and predelinquent behavior in youth are also areas of interest to the delegates. (We) would like to visit courts with juvenile and family jurisdiction and juvenile correction facilities.... to discuss policies and current human service programs for troubled youth with their professional counterparts. The use of mediation and conciliation as an alternative to the formal processing of troubled youth, the role of the family in resolving delinquency problems, and the role of the community in addressing juvenile justice issues are also of interest to the American delegation."

Although our statement of purpose was accepted by Chinese justice officials, and although we received a group visa for the stated purpose, we never got inside a juvenile or family court in action. We did visit empty court rooms, and we did visit houses of incarceration to see many aspects of the programs provided for delinquent children in Beijing. (In fairness, it should be pointed out that in Japan we were limited to Tokyo, in Taiwan to Taipei, and in Hong Kong there's no place else. In none of these did we see a court in operation. In all 4 locations, we talked with judges and reformatory personnel.)

The following generalizations are based on the briefings we had prior to our visit to Beijing, as well as the aspects of juvenile justice we observed directly, and our study of printed materials given to us by officials.

China does have a juvenile delinquency problem. About 1/3 of its population is under 30 years of age. The influence of the Cultural Revolution on this age group, coupled with high unemployment, and the desire to acquire material goods of Western life-style have resulted in escalation of juvenile offenses. In the China Daily of May 18, 1984, an editorial congratulates the Chinese people for a decrease in youth crime, pointing out that most of the minor offenders attending Work-Study schools are "reformed" by the end of their terms of incarceration. Some 6,200 students attend 12 such Work-Study schools between 13 and 18 years of age. Such schools are designed for those who cannot stay in normal schools but don't yet need a reformatory. The curriculum combines normal courses with work in school factories and farms. Good behavior can cut the normal 2-year term and permit return home. Peoples Courts send lecturers to explain law; exhibitions are held. Courts severely punish serious crimes, such as murder, arson and rape.

In the Beijing Review of 1981, authorities admitted that juvenile delinquency was one of their most important public security problems and cited an ongoing study to determine what makes children take up crime. The Ministry of Justice blames the Gang of Four, claiming that they egged youngsters on to rebel. It urges instruction in the law so that children will know what is meant by a criminal offense. It explains that while youngsters are trying to find a job "they loaf and are easily led astray." "Bad corruptive influences seep in from the outside... China has increased contact with foreign countries...and youngsters get a glimpse of the more negative aspects of Western life."

The ministry of Justice claims that its principle is "punishment with leniency; reform; job training; and punishment with surveillance." Those who have committed petty offences, who do not respond to education, are sent to a Reformatory. "They are not convicts; their work is paid for. If they behave well they can go home."

A kind of permissive remolding through education is what they are exposed to.

Persons involved in borderline actions and those convicted of less serious crimes are sent to Work-Study schools. Corporal punishment is forbidden. Those who use it are severely criticized, subjected to disciplinary measures, or punished by law. Prison authorities enlist the help of society. A convict's family members are encouraged to come and help them. Model workers are invited to give talks. Ex-convicts who have behaved well and have 'gone straight' come and share their experiences. Very few inmates refuse to obey rules or engage in fist fights; when they do, they are punished. If the infraction is very serious, they get solitary confinement. Any who become violent (and there are a few), may be put in handcuffs. Solitary confinement usually lasts 3-7 days, not more than 14. The moment the delinquent shows repentance, he is released from solitary and sent back to his group.

The Beijing Reformatory claims a recidivism rate of 3-4%. It is presented to visitors in the guise of a fine boarding school. The supervisors claim that all their students can turn over a new leaf if teachers do their work.

> Q. Can a child run away if he doesn't like the school?
> A. Yes. One hundred did so in 1979; 83 in 1980. Some were sent back later by the police, the resident's committees, or their parents. Some came back of their own accord.

We saw that the dormitories were clean and tidy.

We interviewed two section chiefs of the Ministry of Justice, one in charge of Reform Through Labor and the other in charge of Reform Through Education. The former said, "We have not solved the problem of juvenile delinquency very well although the government has asked the people to pay great attention to this problem." The latter said, "Comprehensive treatment requires cooperation of Reform Through Labor which is an important arm." They told us that the pattern of crime

is different currently. In 1960, the counter-revolutionists and the recidivists were causing the problem. Since 1970, those who commit crimes are mostly juvenile delinquents.

The method of reform is through Labor, through conduct and political education and vocational training. "We treat them like men, like humans, respect their personality; we don't force them to do anything; we persuade them. Our prison is not only a confinement place; it is a school, a farm and a factory."

Repeated often was the claim, "We try to teach them the value of honest labor, to earn a living. Delinquents want to enjoy life without work. We correct wrong thinking about society; we teach what is good morality and what is bad." Prisoners can obtain certificates or diplomas of vocational competence. "Most offenses are caused by anti-social ideas." Correction officers are directed to act according to "The Three Likes" : "like parents to children; like doctors to patients; like teachers to pupils." We heard about the Three Likes dozens of times a day.

These officials stressed the humanitarian approach. "We provide medical care; in prison we provide enough light, fresh air, good sanitation facilities, hospitals and clinics, libraries, both reference and circulating, theatre and sports." "Party officials visit to check work; workers and factory administrators come to talk; all show concern for juveniles, including party committees."

Officials claim most inmates do change. They boasted that sometimes reformatory graduates earn more than factory workers who have never been incarcerated. Discrimination against ex-convicts is forbidden. Recidivism rate is now 4-6%.

The Reform Through Education section claims that is facilities are for those who have not violated criminal law, but have committed offenses not listed in the penal law. They get administrative sentences, usually 1 to 3 years, with 12 years as the absolute maximum. This bureau is for non-serious offenders, "status offenders" ages 16 to 25. Ninety per cent are rehabilitated. Ex-thieves must return stolen goods to the police department. Ex-murderers must help people in distress.

The following are excerpts from a question period:

Q. What is the most frequent crime?
A. Hooliganism.

Q. What is the punishment for offenders?
A. They are scolded, and warned; if the offense is serious, additional punishment is given; leaders of gangs get solitary confinement.

Q. Define a juvenile delinquent.
A. (Very confused) 15-25 years old, assigned to Reform Through Education; 25-30 years of age assigned to Reform Through Labor.

Q. We thought those over 18 years were considered adults; explain.
A. Those under 18 are confined in a different place.

Q. What happens to those under 16?
A. They are assigned to the Reformatories.

Q. Who runs the Reformatories?
A. Education Through Labor.

Q. Who are the youngest in the Reformatories?
A. Fourteen years of age go to Reform School.

Q. Who decides?
A. Only those sentenced go to the reformatory. Those selected by Security are investigated, referred to the public attorneys, where there is another investigation, and then either they are sent back to Security or they are sent to the prosecutor and the Peoples Court.

In discussing the philosophical approach to juvenile delinquency, and the relevant court proceedings, one must keep in mind that the legal structure of China is relatively new. The legal structure of the nationalist government was destroyed by the Communist Peoples Republic which started to create its own legal structure in the 1950s. This was a Soviet-oriented system with the Peoples Court and Procurates acting as State prosecutorial

agents and watch-dogs over the courts. Regulations dealing with arresting procedures existed, but there was no over-all code of criminal procedure covering the jurisdiction of the courts, or the stages of investigation, trial and conditions of appeal. All of this disappeared during the Cultural Revolution.

After 1976, a gradual revision began as Schools of Legal Education were reopened and judicial officials returned from cadres in fields and factories to their offices. The 1978 Constitution reinstituted the basic legal structure of the 1950s and paved the way for passage in July 1979 of the Revised Organic Laws for the Peoples Courts and Procuracies and the first People's Republic of China Code of Criminal Law and Procedure, based on the counterpart code of the Union of Soviet Socialist Republics, which, in turn, is based on a continental European model. Upon departure, we were each given a copy of The Criminal Law And The Criminal. Procedure Law of China. First Edition, 1984.

The Code contains definitions of crime, foundations of criminal law, and discusses the general applicability such as criminal responsibility and impunability. Its guiding principles are Marxism, Leninism and Mao Tse Tung's thoughts. Crime is defined as conduct which harms society, and for which the law provides a penalty. Under Article 14, the age of responsibility is set as 16 or 14 years of age for serious crimes. Persons under 18 years may receive lenient treatment. Non-attributability is provided for the mentally ill. Intoxication is not a bar for liability. Exoneration is provided for self-defense or action taken to protect others. The most significant category of crimes is entitled "Crimes of Counter-Revolution." The Chinese claim that their Code allows punishment only for specific actions, and not for political expressions of thought activity.

The section on Counter-Revolution in the Code recites examples of specific actions against the State. However, the introduction to Article 90 undercuts this claim by including a definition of Counter-Revolution, open to wide interpretation. Counter-Revolution is defined as "harmful conduct to the People's Republic of China committed to the goals of overturning the political power of the dictatorship of the proletariat and the socialist system." Where is the line between "thought activity" and "harmful conduct" as here defined?

The section dealing with family crime, such as neglect of children, and neglect of parents, reflects long-standing concerns in the Confucian culture and the requirements of socialist morality. Some offenses are taken up by judicial organs only on complaint of the injured party. This is an indication of compromise between the traditional Chinese policy of settling such

matters without embarrassing intrusion of outside agencies and the newly felt requirement for protection by criminal law in cases of abuse.

Although this law does provide definite ranges for sentencing, the Code leaves considerable leeway for judicial discretion. The attitude of the offender is considered extremely important in determining the severity of the punishment required. A defendant's confession, repentance and cooperation with the authorities may, as well as such mitigating factors as coercion, self-defense and minor outcome of the crime, call for a sentence at the lower end of the range, and in some cases, even below that range, or complete exemption. A poor attitude or very harmful outcome may justify sentencing at the upper end, but in no event beyond the range. Those who commit minor offenses may be sentenced to handling by "controls", a type of parole or probation in which the offender lives and works in freedom, but is required to report regularly to police, or to detention for two weeks to six months during which time he may enjoy regular home visits. Terms of more than 2 years are usually served in Reform Through Labor Camps, rather than in actual prisons. These camps, often located in the northern, harsh regions of China, have not been documented in as much detail as those in the USSR. Life in these camps has been characterized by former inmates as fluctuating with China's economic and political conditions, and as applying grueling labor and inadequate nutrition.

Self-control, involving, in addition to labor, group discussion of prisoners' errors, political study sessions, and at times, fiercesome struggle sessions against a particular individual by his peers has been the essential ingredient in such camps.

Chinese legal thought sees crime as having ideological roots, and an important professed goal of criminal punishment is to achieve ideological reform.

A criminal procedure code was also passed, based again on USSR and European procedures. A thorough preliminary investigation is first carried out on the suspect, generally by the Public Security Officer, including interrogation, search and collection of criminal evidence. The resulting papers are passed on to the procurator with Security's recommendations on whether or not to prosecute. Trial proceeds in the inquisitorial manner, characteristic of the European system, by the Court consisting of the judge and two lay assessors chosen within the community. There is no jury. The bench is seen more as a passive umpire between prosecutor and defense. There is only one appeal by either prosecutor or defendant available at the next level in China's four-tier court structure, which level depends on the gravity of the case. The Court decides the

case; the victims and other citizens and the upper level procurity and the Supreme Court may reopen the case at any time. This does not postpone imposition of the penalty, depending on the outcome of review. On appeal by the defendant, the sentence may not be lengthened, though this provision may be and has been circumvented by the Court's ordering a retrial, whereupon the sentence may be raised. Regulations are intentionally elastic.

Rarely is a Chinese lawyer heard to protest his client's innocence. He often begins by conceding guilt. In a society whose tradition has placed a premium on confession, considering it the sine qua non of conviction, it must be obtained at any cost, and often is sufficient evidence in itself. The lack in the Chinese Code of a clear concept of what our system knows as 'procedural due process' indicates that procedural abuses will be more likely to result in penalties for the responsible officials than in a change in the fate of the defendant. Most judicial functions are generally completed before the actual trial begins. An open trial may serve less as a protective role than as an educational role teaching the public about the law and legal concepts. The Chinese stress the importance of the mass educative function of the legal system. They make no claim of judicial independence, in the ideological sense. Law is seen as the embodiment of the party principles, and the Court is expected to be guided by the basic political tenets of the regime.

Important mechanisms are available outside the formal criminal process. For crimes committed by juveniles under the age of responsibility, a complex, apparently uncodified scheme of disciplinary and reformatory procedures exists, although relatively little is known about it. For minor matters, such as family matters or infringement of property rights, that seem to lie on the borderline, persuasion education or mediation by a local committee is used to reform the culprit and "make the victim whole." A minor infraction is handled by the police and can result in administrative detention for up to 15 days, fines or warnings; these may include traffic violations or "acting indecently with women."

Perhaps the most significant of these administrative approaches to law enforcement is the system known as Rehabilitation Through Labor. The statute governing this system, issued in 1957, revised in 1979, provides for despatch to what are essentially labor camps, similar, if not identical, to those used for Reform Through Labor for convicted criminals. Rehabilitation Through Labor is an activity planned for hoodlums and for those engaged in sex, swindling, or other such conduct where criminal responsibility is not perceived.

The Beijing Review of April 1983, in an article entitled "The Police and the People" stresses that China is a socialist country, a peoples' democratic dictatorship. The police, as part of the State power, are substitute parents, educators, safety agents as well as restrainers of hostile acts.... They must attack the enemies of socialist China, punish and reform criminals, protect the people and the socialist State, consolidate the peoples' democratic leadership. The police in charge of household registration are most closely linked to the people. Each such police officer is responsible for registering every member of every family in his area. Other functions include maintaining public order; implementing Public Security Laws; tracking down the sabotage activities of counter-revolutionaries; preventing and stopping cases of theft and sabotage activities by criminal elements; helping in criminal investigations; helping neighborhood communities in setting up public security groups; guarding against enemy agents, bandits, theft and fires; carrying out education among neighborhood groups about the law. Police often go beyond the requirements of their jobs. Police in charge of household registration frequently look for lost children, missing adults, and often give first aid in medical emergencies.

Police on guard duty in prisons and Reform Through Labor farms shoulderthe task of supervising and reforming criminals. The most important job is to use productive labor as ideological education to help the overwhelming majority of criminals turn over a new leaf.

In the June 16, 1983 edition of the Beijing Review, an article "How Do Chinese Lawyers Work?" reviews the revival of legal activity since 1979. As perceived now, lawyers are State legal workers, not privately employed professionals. The duty of the lawyer is to impart legal advice, to ensure correct implementation of the law, to protect the interests of the State, and to protect the legitimate rights and interests of the citizens. They are State functionaries, paid by the Legal Advisory Office. While acting as counsels in criminal cases, they strictly follow the principle of handling the cases as facts, and taking laws as the criteria. Their job is to safeguard the interests of the State and the legitimate rights and interests of the citizens, which may include the rights of the defendants. A criminal lawyer represents his client, but is not expected to protect him from justified legal charges. The Peoples Court, in turn, is required to facilitate the lawyer's work, making sure of prompt delivery of information and documents.

Although we did not visit any of the courts in action, we did spend much time talking with the judges of the Beijing Higher Peoples Court. There are 21 courts in Beijing, 19 local courts, with more than 500 judges, 30 in the Higher Peoples Court and 50 in the Intermediate Court. Each Court has criminal, civic, economic and administrative divisions. The Intermediate Court also has a Petitions Division for appeal from decisions of the Criminal Division. The Higher Court also has a Research Division.

Q. Can a judge shift from the criminal to a civil division and vice versa?
A. Only under unusual circumstances.

Q. Are defendants awaiting trial released on bail?
A. If seriously ill, pregnant, or there for a minor offense, or if the employer guarantees his reappearance. Otherwise, no.

Q. Do judges ever give suspended sentences or probation?
A. Yes. While under suspension, the defendant is under the supervision of the neighborhood.

Often repeated was the statement that the function of the judges is to see that the juveniles are exposed to political, social, moral, academic and vocational education.

In the Reform Through Education centers, the inmates have the following obligation: to confess, repent and study. Adults work 6 hours and study 3 hours; juveniles work 4 hours and study 4 hours. There is no Family Court. Truants and runaways are not considered status offenders. Primary and junior high school education are compulsory, not senior high school.

Q. Why, then, do you have illiterates?
A. Some juveniles don't study and don't learn.

Q. Who, in the neighborhood, supervises the juveniles?
A. Probationers must report to the local police officer, or their working unit. If they have no jobs, to the Neighborhood Security Committee.

Q. How are judges selected?
A. Qualifications are: at least 23 years old; at least a high school graduate; must have worked in the Peoples Court for several years. The judicial

committee makes recommedations to the chief judge, who names new judges, subject to the approval of the whole court. In the future, we will require judges to be lawyers, but there aren't enough lawyers now. None of the 3 judges sitting here (i.e. talking to the delegation), are lawyers, but all have worked in the court several years.

Q. When does a lawyer get into the Act?
Who pays him?
Can he give the defendant a strong defense?

A. Criminal law says that those over 16 years of age have criminal liability; from 14 to 18 years for very serious crimes e.g. murder, aggravated assault, arson; but their trials are not open to the public. Those over 18 years of age are considered adults.
When the Peoples Court accepts the case, the judge tells the defendant to hire a lawyer, not a relative or other member of his Working Unit. If he has his own, he pays; if not, the judge will appoint a defense lawyer and the Peoples Court will pay him. The lawyer must be loyal to the facts not to the client. He may ask for a lighter sentence due to mitigating circumstances. One of our judges is a woman; some are Party members.
Court meets Monday through Friday; on Saturday, the judges meet for study.
There is no presumption of innocence.
A trial is conducted even if the defendant pleads guilty.

Q. Delegation members described alternatives to incarceration in use or under consideration in the United States, particularly the Second Chance program administered in the County of Queens, N. Y. by District Attorney Santucci. This was in response to the judges' request for such information.

A. We have a Fourth Chance. For the first offense, the juvenile is sent back to parents for supervision. For second offense, he is sent back to the school authorities. For the third offense, he goes to a Work-Study unit; for fourth offense, he is sent to Reform School.

We visited two facilities for handling juvenile delinquents. Work-Study School. Two Goals:

1. The development of ideological thinking and good morals.
2. The development of work skills.

Many students come because regular school officials cannot control them. Some, not in school, are sent by their neighborhood committees. Ages 12-16 years, mostly 14-15 years. The usual stay is 2 to 3 years. The fundamental requirement for a teacher in a Work-Study School is that he understand children. Education must be done very patiently. There are four kinds of education:

1. Ideological education, including a change in world outlook and self-respect, "to teach them what is communism, capitalism, civilisation, courtesy. We have them study the laws relating to juveniles; to self-examine and to determine why they violated the laws; to analyze the causes of their misbehavior and the damage they have caused to themselves and to the victims."

2. Vocational education, including good work habits.

3. Academic education.

4. Discipline.

The School Director said they often take students to visit other cities, factories, seaports, and army camps in order to "open up their minds." They reward best students with money.

Q. Since this is a non-secure facility, are there many escapes?
A. Some new students try. We try to locate them in their home and try to persuade them to come back.

Q. Can this school reject those who are sent to you?
A. Yes. If they are only problem students and have not yet committed misdemeanors.

Q. Are these students voluntarily here or sent by the Court?
A. Most don't want to come; some visit and find this is not a reformatory.

Q. What kind of offenses bring them here?
A. Petty offenses, gang offense, sex offense. (We learned that of 100, 30 were girls but we didn't see them; we did see the boys).

Q. Some of your students seem retarded. Can you help? Where do they go?
A. The school system has classes for the retarded.

Q. Do the families visit?
A. Parents can visit at any time. Students can go home at 12:30 p.m. on Saturday and return by 8:30 a.m. on Monday. Some especially bad kids are kept here.

Q. Is there supervision at night?
A. No. ("There are no sexual problems because each room has 10 students, if anyone tries, someone will snitch.")

Beijing Juvenile Reformatory.

We had lunch in the boys' cafeteria. There was rigid discipline. The food was of fine quality. The boys applauded our arrival, and sat with expressionless faces, until a signal was given. Our conversation was limited because there was a Ministry of Justice agent at each table. We were assured that the meal was typical, except that the boys had an additional course in our honor. Then we noticed that our napkins bore the Holiday Hotel (Inn?) logo, and when we left there was a Holiday Hotel commissary truck in the yard. All of us agreed that the applause had been orchestrated; it was rhythmical, not random.

There were 1,094 inmates; 804 had not been sentenced, they were there for Reform Through Education. Two hundred and ninety were sentenced; they were there for Reform Through Labor. There are no armed guards for the former, only for the latter. According to Article 14 of the Criminal Code, those under 16 years of age, whose violations are not listed in the Code, come here. The usual term is 3 years, but time can be deducted for good behavior. Those who violate the rules can get additional sentences or can be sent elsewhere. After release, parents can take them home or send them to school. Sometimes they're old enough to go to work.

Thirty-nine per cent were there for theft, 32 per cent for fighting or hooliganism, 20 per cent for rape or indecent sex, 9 per cent for robbery.

The above statistics refer to the Reform Through Education group.

In the older Reform Through Labor group, 12 per cent were in for sex, 34 per cent for hooliganism, 31 per cent for rape, 23 per cent for robbery.

Often repeated was the program: Education, Persuasion, Salvation.

Q. Are academic classes conducted all year?
Is there a vacation?
A. One month's vacation in summer, 1 week in winter.

Q. How many parents visit?
A. Most.

Q. How many have previously been in the work-Study Schools?
A. Some, but not many.

Q. If an inmate is there for Reform Through Education, is the record ever expunged?
A. No. It does not go with the student, but is sent to the Ministry of Justice.

Q. Is this the only Reformatory in Beijing?
A. Yes.

Q. Do you ever have more inmates than beds?
A. No.

What can we learn from our visit to the Peoples Republic of China and its Ministry of Justice? We must keep in mind that our experience was limited to the juvenile justice agencies and facilities to which we were invited in Beijing only. We visited no other cities, although we did ride on busses through Canton en route to the Hong Kong boat. We gathered that living and working conditions were better in Canton than in Beijing. What we learned in Beijing was under the guidance and tutelage of the Ministry of Justice.

1. Conditions of tourism (and study) warn us to be alert to the problems of obfuscation; to recognize that the philosophies of government affect the philosophies of education and punishment (or justice).

2. We were concerned about poor living conditions in Beijing both for tourists and residents. There is evidence of much building construction, but little or no evidence of building occupation. There is dirt everywhere. In the alleged first-class hotel to which they assigned our delegation, the filth was unbelievable.

3. The Ministry of Justice considers it wise to include units on legal education in the instructional programs of early delinquents. We, in New York City, have considered this as part of the Social Studies Program in junior high school and senior high school, and it probably merits continued exploration.

4. We might consider an adaptation of community responsibility for handling delinquents. If the neighbors of youngsters about to get into trouble would pay some attention, get to know them, get to know their parents, show an interest and a concern, some confrontations with the law could be prevented. (Others might argue that this would be unwanted, unwarranted, intolerable intrustion into private affairs). Collective responsibility, highly developed in China, merits study.

5. With all of the juvenile delinquency in China, and there is a great deal, there is almost no use of firearms because guns are outlawed, and this ban is enforced. This merits our consideration.

HONG KONG

The Juvenile Justice Delegation of People to People International visited Hong Kong from November 8 through November 12, 1984. The delegation went to the Family Welfare Society, the Causeway Court, The Police Department, the Public Relations Office and the Social Welfare Department. We did not visit any houses of incarceration for children.

Understanding Hong Kong's juvenile justice problems requires background, information on its special status, and its emotions at this time when the return to Mainland China is getting under way. Such background has been excerpted from the briefing materials we studied before the trip, as well as from With Justice for All, Vol. 4, No. 7, and from our first-hand observations.

An immediately obvious contrast with mainland China is the literacy factor; 75 per cent are literate in Hong Kong, 50 per cent in China. The language of Hong Kong is Cantonese; the official language of China is Mandarin. Eighty-five per cent of the Chinese work force is in agriculture; 2.6 per cent of Hong Kong residents are in agriculture; 70.7 per cent in Hong Kong are involved in major industry. China's official religion is atheism; Hong Kong has three basic religions: Buddhism, Taoism and Christianity. Mainland Chinese travel on bicycles, so numerous that one can hardly find room to walk between them, so necessary that they are a major item of burglary. On arrival in Hong Kong, one sees many automobiles of luxury types. A favorite ploy was to tally the number of Rolls Royce and Mercedes parked outside the downtown hotels.

To quote the U.S. News and World Report of June 27, 1983, "The clock is ticking down toward a threatened Chinese take-over of Britain's Crown Colony, but amid all the concern, it's business as usual, Western style." British rule will indeed end in 1997.

If you study the two photographs which appeared in The New York Times of December 20, 1984, you can see in the faces of the Chinese the difference in their feelings. On page 1, the photograph shows Prime Minister Thatcher and the Chinese leaders in Beijing toasting each other; the Chinese faces are friendly, outgoing, covered with smiles. On page 3, the photograph shows Hong Kong residents watching Mrs. Thatcher's broadcast from Beijing, there is not a single smile; the faces are quite dour.

Mainland China and Hong Kong may both have Chinese citizens but they are not the same country. Recent assurances by officials

of the People's Republic of China that they will permit capitalism to continue for at least 50 years in Hong Kong are not accepted without question by its residents. It is well understood that the success of the take-over of Hong Kong will affect the aspirations of Beijing to reincorporate Taiwan too. Though there is much anxiety, tension and manipulation in the open and behind the scenes, the point is made in the World Press Review of December 1982 that China sends 25 per cent of its exports through Hong Kong and earns 40 per cent of its hard currency thereby. But, Hong Kong's laisses faire, free competition and free access to Western finance and technology, free movement of labor, huge differentials in income and life style are the direct antithesis of Chinese communism. How they can possibly maintain themselves side-by-side remains to be seen.

Recall the techniques of thought control in China for the treatment of juveniles and others in houses of incarceration; any slant towards democracy by the government, such as recently suggested by Christopher Wren's articles in The New York Times, must cause vast psychological disturbances among the already disturbed young people.

Hong Kong residents, whose future is on the line, and who are not privy to the private aspects of the talks between London and Beijing, are nervous. Many, especially the wealthy, have already arranged to move their assets and families abroad before the deluge. Toronto is said to be a favorite destination. The elite of Hong Kong, Chinese business men, many of whom are millionaires, know that they take a risk if they choose to remain until 1997. Their compatriots in Shanghai who stayed or returned after 1949 were purged. In addition, the British Nationality Act of 1983 denies citizens of the colonies the automatic right to live in the United Kingdom. In addition to this conflict of deeply opposed socio-economic citizens, there could be violence, urban riots, terrorism and other manifestations of internal struggle as various group interests within the colony express their frustration and insecurity.

To illustrate the heartache of Hong Kong residents, consider the local variation of the Cabbage Patch Doll - a Rice Paddy Doll, looking like the United States version, but dressed like a Chinese farmer. The nearby poster asks "Will you Sponsor Me - I want to Emigrate." Another sign says, "All International airlines guarantee free travel if accompanied by a sponsor." Each doll is accompanied by a facsimile British passport, a fantasy which most Hong Kong residents lack.

We visited the Hong Kong Council of Social Services where five heads of member agencies described their services. We were given copies of the Council's report for April 1981-March 1983.

Their services include family and child care, geriatric care, children and youth services, including camps and hostels and summer programs; rehabilitation services for the mentally and physically handicapped; community development; services for ex-offenders, for ex-drug abusers and others. The social services activities of Hong Kong are expensive.

We also received a publication entitled Hong Kong Government Social Welfare Department in Figures, 1984 Edition, reporting that the supported services, in addition to staff development and training, include social security, family services, medical services, rehabilitation, services for offenders (including probation care), group and community work and care for the elderly.

A thin booklet, entitled Special Needs Allowance Scheme, 1983 Edition, shows how assistance is provided for severely disabled and elderly persons.

It is clear that in Hong Kong, the bureaucrats know how to organize a good public relations campaign. The books are detailed, neat and attractive; they are telling the reader and the public what the agency is doing and hiding little, if anything.

Our discussions with the Council members revealed that in Hong Kong there is considerable drug abuse. There are 80,000 to 100,000 cases out of 5.5 million residents. The Council provides two-thirds of services for cases of drug abuse; the government one-third.

Children, ages 14 to 20 years, tend to commit more crime than those of other age groups. The head of the Federation of Youth Groups said that his agency aims at the 14 to 25 age group. This Federation, with a staff of 280, is mostly funded by the government.

The Federation believes that teenagers need to be associated with the social system, a school, a family, or a religious institution. Some teenagers do not identify with such groups. These social workers believe that they must go to the client; they don't wait for the client (potential offender), to come to them. Clients are mostly male with little education and of low economic status. Agencies have great difficulty in attracting social workers to this field. They have only one school service worker for each 4000 students. (Admittedly, this is not the only agency trying to give personal service).

Federation workers try to visit each school once a week. The most frequent problem referred to the school service workers is bad class conduct; bad child-parent relations run a close second. Mrs. Tan of the Federation pointed out something that all of us know, that without close cooperation with school people, social service people find their task very difficult. Youth

counseling is not officially recognized by the government (as a fundable service). There are only two workers in this field.

There are 30 youth centers in Hong Kong, most in the densely populated areas. These are for normal youths to help them develop their lives as responsible adults.

The Family Welfare Society was established in the 1940s. It provides family counseling, with currently 2,500 clients, most self-referred. They try to handle family life education, home help, foster care.

The Good Shepherd Sisters, represented by Sr. Mary E. Dunner, deal with teenage girls who are "sexually acting out." Many have violated ordinances dealing with sex crimes. "Fundamentally, we have a Group Living Program to develop potential as a loving and loved person" she said. Offending girls stay with the sisters 1 to 2 years, depending on Court Orders and how ready they are for discharge.

The Association Against Child Abuse claims to be the least law-oriented agency. Its five workers dealt with 1,600 cases in 1979. Their funds come from the Community Chest.

Thus, a half dozen agencies under the umbrella of the Hong Kong Council of Social Services presented their official positions and problems to us. We noticed that in each instance, the top position was held by a British person, with native Chinese in the next lower rung.

Following are excerpts from the Question and Answer Period:

Q. What do you do about drug abuse?
A. The Government tries to stop the traffic. We have computerized records of abusers, 93% male. The Government provides methadon treatment. The principal drug is heroin, 95%; 3% opium. Some marijuana use is starting now.

Q. Why is there drug abuse here whereas the Japanese and mainland Chinese claimed no such problem?
A. Opium grows in the Golden Triangle nearby. This is a highly industrialized society and some seek escape from tensions. There is an organization known as the Triad society, which resembles the Mafia, promoting drug abuse. It was formerly a political group, a patriotic club, just like the original Mafia. One year, the Government denies a drug abuse problem exists; the next year it announce it has found a solution.

Q. In Boston we have had a methadon treatment program for 15 years; it hasn't solved the problem. It's like the alcohol abuse problem, as if you encouraged a switch from Scotch to Bourbon.
Do you have any success with methadon?
A. I will provide a copy of the government report. There is a short-term decrease in crime, since the addict is not so desperate for dollars to buy drugs.

Q. Are your methadon clinics patterned after the British practice?
A. Yes. Also after Canadian and United States systems. We are now looking elsewhere. SARDA is the Society for Rehabilitation of Drug Abusers. It uses ex-addicts to exhort against usage.

Q. How do the girls get to the Good Shepherds?
Where do its volunteers come from?
A. Mostly prostitutes.
Most volunteers are young people and teachers.

Q. In Washington, D.C., police observe drug traffic secretly and catch a few, the small fry. Some go to jail, some to methadon, but there's no real change.
What is your procedure?
A. Maybe the government people can answer your question. Undercover buyers are used here too. Students use the name TRIAD for prestige, whether they're really connected or not.

Q. Are you required to report cases of child abuse?
Is such abuse high in single-headed families?
A. Step-parents are involved in only a small percentage. We have very few sex abuse cases. Of 283 child-abuse cases, only 2 were sex-related. There's a lot of ignorance about "shameful" sex abuse.
Hong Kong is an open port, so drugs get in easily.

Q. How good are relations between your voluntary agencies and the government bureaucrats?
A. Not always cordial. The final say is, "Where's the money?" The prospect of the change back to China worries us. As economic conditions go down, the Government becomes less supportive of volunteer agencies. The Government thinks we are too idealistic. We think the Government is too bureaucratic.

Our next visit was to the Causeway Bay Court, where we conferred with Magistrate Terence Way. Mr. Way is from New Zealand. He has been in Hong Kong two and a half years. He was recently transferred to the juvenile court, which handles offenders under 18 years. He cited the problems caused by large families in small flats, with several generations often living in one room. Following are excerpts from the Question-Answer period.

Q. What types of crimes do you see?
A. Shop-lifting, assault, the TRIAD society, some burglary. The TRIAD society is a cover name for gangs.

Q. Do you see drug abuse?
A. Very little on Hong Kong Island, much worse in Kowloon. On my Monday calendar, I have 7 to 8 adult cases.

Q. When is a juvenile considered an adult?
A. At 16 years; if a crime is committed with adults, all are considered adults, regardless of age.

Q. Are adult gangs using juveniles?
A. Some in TRIAD try to recruit young girls.

Q. What is TRIAD?
A. Secret societies. They are involved in all sorts of criminal activity. We have many shack squatters and those areas are controlled by TRIAD. They hook into electric lines and phone lines. There are no real brothels because one-woman brothels are legal.

Q. What do you do about runaways?
A. A missing person report is filed, and then I get further reports from Social Welfare and I decide where to send them.
I have a probation officer with me in court.

Q. What is your professional background?
A. Barrister and solicitor. I am here on a three-year contract.

Q. Do juvenile delinquents have attornies?
A. If not, I assign a lawyer from Legal Aid, unless they refuse. But I won't hear such a case unless there is a parent or brother in court.

Q. Do the defendants have to be indigent to get Legal Aid?
A. No. I send them to Legal Aid, and I don't know what they do if they feel the juvenile can afford his own lawyer.

Q. How long are your sentences?
A. Up to 2 years in the Juvenile Section and Penitentiary. Some go to Training Centers.

Q. If the juvenile is violent, how is he detained?
A. In police cells, no more than 48 hours.

Q. Do you operate like magistrates in Britain?
A. Yes, but I sit alone - not 1 of 3.
We have some lay magistrates for traffic and littering offenses.

Q. Are the assaults with hands, or with knives and guns?
A. No guns, sometimes knives.

Q. Are guns available?
A. We don't know but I don't see them.

Q. Are there native judges?
A. Lawyers can do better financially than judges. Private lawyers can earn one million Hong Kong dollars; a magistrate gets 250,000 Hong Kong dollars ($30,000 U.S.).

Q. Is there much recidivism?
A. I can't tell one Chinese from another.

Q. Do you see illegal immigrants?
A. If we do, they will be deported.

Q. Did Hong Kong take in Viet Nam and Cambodian refugees?
A. About 75 per cent of the total, and many do get involved in juvenile delinquency. They get involved in picking pockets. I have never had a European juvenile in court. I've had some Indians.

Q. How do you justify sending these case reports around the table for us to read? Aren't they entitled to secrecy?
A. You'll never recognize the names. Journalists can sit in court but cannot use juveniles' names.

Q. Are there cases of sexual abuse?
A. Whole families in 10' x 10' foot rooms. What do you expect? When I challenge local Chinese, they say, "We're better off than on the Mainland."

Q. What will happen in 1997?
A. Very little will change. The Chinese will want the world to see how well the Hong Kongese are treated so that Taiwan can be retrieved. I think the Mainland Chinese, exposed to Western culture, will want to change their system. Chinese people do not like to make their own decisions. They prefer to be told what to do.

Although Magistrate Way was a very charming and gracious host, and we enjoyed our two-and-a-half-hour visit with him, he was every bit a British Colonial Magistrate, right out of Kipling. He really did not see individual Chinese people or care very much about their problems. He ran his court very flexibly with very few rules.

On November 12, we visited the Hong Kong Social Welfare Department. They are concerned with the "public assistance scheme." We were given a very handsome booklet, dated June 1984, explaining their operations. The program is designed to bring the income of a single person or a family to a level where essential needs, such as food, shelter and clothing, can be met. The details of computing eligibility and of their discretionary payment are outlined. The official booklet begins, "The Social Welfare Department is responsible for coordinating and developing social welfare services and for

implementing government policies. These include social security, family and child care services, group and community work, services for the young and elderly and rehabilitation as well as probation work and residential training for young offenders. Services for offenders include the following: The Department implements the directions of the court on the treatment and rehabilitation of offenders through the provision of probation officers, residential training and after-care services. It operates 5 residential training institutions, to provide academic, prevocational, social and recreational training. Of these, the Begonia Road Boys' Home and the Ma Tau Wai Girls' Home serve as places of detention for those held on remand prior to appearing in court, as probation homes for probationers requiring residential treatment, and as places of refuge for juveniles in need of care and protection.

The Castle Peak and the O Pui Shan Boys' Homes cater to boys serving detention periods varying from 1 to 5 years, while Kwun Tong Hostel serves as a probation hostel for male probationers required to reside there as a condition of their probation orders. For boys discharged on license from a reformatory school subject to supervision, the after-care services provided include readjustment to the environment and job or school placements.

The department runs a volunteer program to help probationers, aimed at promoting greater community involvement in the rehabilitation of offenders.

We met with six heads of various sub-groups. We learned that all Hong Kong departments are run centrally despite the different nature of different neighborhoods. They described their institutions, as listed above, but because of a foul-up in time we were unable to visit any of them.

The Social Welfare Department's funds for capital expenditures come from the Hong Kong lottery "very popular in the summer, when there are no horse races." It makes contracts with individual social welfare agencies, not with the umbrella council.

Following are excerpts from the Question-Answer Period:

> Q. What are the advantages of having two-thirds of the services performed by volunteer groups?
> Is the lottery money mostly for your social service? If not, what percentage do you get?

A. There's a large historical tradition regarding the volunteer agencies. When the large influx of refugees occurred, there were already Church organizations and Chinese philanthropic organizations in this work. As things grew more complex, the Government began to step in and give grants. Our department was set up in the 1950s. The system works pretty well so far. In general, Hong Kong does not go in for large monolithic programs.
Lottery money is for social welfare, but this is a rather loose term. We can't use the money to build a school, but we can use it to help a school take care of the handicapped.

Q. In the United States, private agencies don't respond to the needs of the most difficut cases. What happens here?
A. The medical department runs the psychiatric services. Agencies love to run child care centers but not homes or detention centers.

Q. Do you handle foster care and adoption?
A. Foster care is handled by the volunteer agencies. Adoption has some legal ramifications.

Q. Are funds allocated in bulk grants or for specific services?
A. We have a system of unit service charges, that is, so many dollars for so many children.

Q. Expand on your juvenile delinquency services.
A. Probation services before sentencing and supervision after release.
Service to institutions where children are remanded.
We have one probation home for girls, one for boys; two reformatories, one for those under 14, one for those over 14; both reformatories are for boys. We had 624 in such schools, 52.4%, ages 14 and 15.
In 1983-84, probation officers prepared 8,600 reports, 64% for those under 16 years, the balance for ages 16 to 20 years.

Four thousand, two hundred and fifty were put on probation: 1.6% were connected with TRIAD, 4-6% for sexual offenses, 49% for assault, 30% for theft, 13% for narcotic offenses.

Q. What services are there for the discharged?
A. Volunteer associations visit before the discharge to see what the problems are.

Q. What percentage are repeaters?
A. Approximately 20%.

Q. What is the average time in an institution?
A. In a probation home, the law requres less than a year.

Q. Do any children make home visits?
A. Yes, for good behavior.

Q. What is the average time in a reformatory?
A. They must be released after 18 months.

Q. Why are there no reformatories for girls?
A. If not rehabilitated in the Girls' School, they are sent to the training school.

Q. Who goes to which type of school?
A. The magistrate decides, especially at the 16-year marginal age.

Q. Do correctional institutions have probation officers in court?
A. No, only in our department.

Q. How many probation officers are there?
A. Seventy. We need more.

Q. What training do the probation officers get?
A. Up to now, just some social service education. It is difficult to get workers in this field.

Q. How many cases per probation officer at one time?
A. Twelve to 15 reports and 14 to 15 cases per month. There is a general shortage of Social Service workers, largely because of the expansion of our services.

Q. Can incorrigibles be transferred to adult institutions?
A. Yes, on petition to court.

Q. What is the extent of the alcohol and drug problems?
A. We always have drug problems here, principally heroin. After World War II, it was so extensive that the government set up a special department, separate from us, to deal with the problem. Alcohol? Traditionally low, but Alcoholics Anonymous operates here. We thought it existed only in the Occidental population. If wife and children are neglected because the husband spends all his money on drugs or alcohol, we step in.

Q. Is the reported number of child abuse cases increasing?
How about sex abuse?
A. Increasingly, it is a matter of concern but not especially sex abuse. Neglect and beatings are becoming more prominent. We are now setting up a special section. There are some false reports of child abuse - just a child crying - some malicious reports.

We spent the afternoon of November 12 in the Public Relations Department of the Hong Kong Police Department. Its Chief, Andrew C. Rennie, is a most charismatic individual whom both adults and youngsters would adore. Public Relations and Community Relations show as a very important part of the Police Department program as evidenced by the Organizational Chart. (This is something, I believe, we could benefit from in New York City.)

The Public Relations Department is responsible for both community and media relations. It believes Hong Kong is a world leader in juvenile delinquency control. Twenty-five per cent of Hong Kong's population is under 23 years. We set up an organization called the Junior Police Call with facilities for recreation. The idea is to get children involved in working positively with the police. (It appears to be a far more polished version of the New York City Police Athletic League.)

A brochure published by the Hong Kong and Shanghai Banking Corporation refers to the Junior Police Call (JPC) as a dream that became a reality. It recalls that when Chief Rennie arrived in 1973 to assume the post of Chief Police Information Officer, he was struck with the almost complete lack of contact between police and youth. He said, "One does not have to live long in Hong Kong to get some impression of the conditions under which the young have to live: overcrowding, lack of space, lack of natural sports facilities, a highly competitive educational system and so on. The more I became involved with the work of the police, and the more I had the opportunity to go out and meet people in the community, the more I realized that something had to be done for the young people of Hong Kong. And that's when I thought up the idea of Junior Police Call. .. ... The police would provide the framework within which the youth....could become involved. The rest would be up to the youngsters themselves."

Chief Rennie is a Scotsman with a thick burr; his right hand man is an Irishman with an equally thick brogue. These two men work with 260,000 young JPC members who (in some ways) are the eyes and ears of the police. They use the telephone, radio and television to encourage young people to help fight crime in a safe way and to promote development of a civic mind.

Membership is open to all between 9 and 17 years of age. By deliberate design, all JPC membership application forms have to be endorsed by the parents; this has proved to be of extreme psychological value. The youngsters see the JPC as an activity which has their parents' approval. The police emphasize, "It's your eyes and ears we want, not your strength." The basic philosophy of JPC exploits the natural affinity of youth for police work. The notion of the "good guys" and the "bad guys", the "cops and robbers", has excited the imagination of children and teenagers for generations.

Junior Police Call members are assigned to any of the 17 police precincts in Hong Kong of their own choice. When youngsters become too old to work with the JPC, they are entitled to join the Leadership Club, now numbering 16,500. Junior Police Call and Leadership Club members now total about 45% of Hong Kong's youth.

Junior Police Call has no hard and fast rules, no regimentation, but it does encourage real community service. For example, on TV, JPC shows lost children, lost cars, and many are recovered.

Hong Kong is in the "Baby" League regarding juvenile delinquency, but police are concerned lest it grow. The JPC does help control juvenile crime.

Each of the 17 Police Precincts has its own JPC Club, with its own club house. Some places were donated and some were built by private agencies but most are empty buildings leased by the government. Each club house has a study room, needed because of crowded home quarters. At examination time every seat at the airport is taken by students 'cramming' for tests.

The old TRIAD structure is gone, but there are other gangs now using the name TRIAD. We have the JPC school clubs as an antidote, and they are very successful. We run seminars on TRIAD for school principals and teachers.

We had 84,000 entries in our Fight Crime Competition, in which the first prize was a trip abroad. Junior Police Call is supported by Kiwanis, Rotary, banks etc. This year we will give away 100,000 Hong Kong dollars as achievement prizes. Junior Police Call helps recruitment for the department; 80% of our cadets were JPC members.

In cases of marginal crime, a juvenile delinquent and his parents go before the Police Superintendent who is dressed in full uniform. The juvenile gets a strict warning. There were 1,700 such discretion cases last year. One of our 1981 JPC prize winners had been such a discretion case.

Of the membership, 45% are girls. This year all 6 prize winners were girls. Fewer than 100 JPC members were in "reported" crimes. Junior Police Call helps ACAN (Action Committee Against Narcotics) in its work.

Junior Police Call gets its time on TV and radio by using a portion of the government's right to a certain number of hours per week.

<u>What have we learned</u> in Hong Kong of value to New York City? There is a vast difference between the Chinese of Hong Kong and those on the Mainland. This may help us in dealing with the emerging Chinese delinquents in our Chinatown. We saw a good example of how to do good public relations by the police department and various social service agencies. We might want to study in great detail the <u>Junior Police Call</u> for possible replication. Of particular interest to me was the diary entry for April 24, 1980 in the JPC publication reporting that members of the League of Women Voters of New York State studied the JPC scheme. I am seeking a copy of a report of that study.

TAIWAN

The Juvenile Justice Delegation of People to People International visited Taipei, the capital of Taiwan, November 14 through 17, 1984. Taiwan may be considered a third China, distinct from the Mainland and Hong Kong. Of the three Chinas, Taiwan is the most literate with 89.7% literacy. Its work force is less industrialized than that of Hong Kong, but far less agriculturalized than that of Mainland China. Its religions, like Hong Kong, are Confucianism, Taoism, Buddhism and Christianity.

In view of the efforts of the People's Republic of China on the Mainland (PRC) to reabsorb not only Hong Kong, but also Taiwan (Republic of China, ROC), and inasmuch as the psychology of that pressure is bound to affect the juvenile justice problem of Taiwan, it is especially important to review its history. Taiwan, originally called Formosa, or Beautiful Island, is considered by its officialdom to be the "custodian and preserver of the world's oldest culture," because Chiang Kai Shek brought with him from the mainland many relics, art objects and other property of the mainland government. Taiwan boasts full freedom of religion.

In January 1982, National Geographic published an extensive article on Taiwan by Noel Grove. He describes Taiwan as "born in the defeat of civil war, united by diplomatic isolation, surviving with economic stamina and patriotic zeal." Taiwan is still suffering from the shock of "derecognition" by both the United States and the UN. There is said to be an increase in crime, but Mr. Grove saw no evidence of it.

On March 5, 1984, U.S. News and World Report carried an article by Walter Taylor, entitled "Taiwan Bounces Back Stronger than Ever," reporting that Taiwan is prosperous and booming, with solid political growth. Its trade surplus in 1983 will exceed 6 billion U.S. dollars.

Mr. Taylor states that the American Institute in Taiwan (AIT) is nominally non-governmental, but its mission is to replace the U.S. Embassy. Far from deserting Taiwan, American businessmen are flocking there, and U.S. investment is increasing. Provisions of the Taiwan Relations Act of 1979 to govern unofficial ties between Washington and Taipei have enabled the United States to continue military sales.

Official United States Department of State Background Notes on Taiwan, dated September 1983, report that each year 5000 Taiwanese students come to the United States for advanced education. This is consistent with the history of their older generation, many of whom had been educated in the United States: for example, Madame Chiang Kai Shek. The official United States position is that the future of Taiwan is a problem for the Chinese people on both sides of the Strait of Formosa to solve. "We will not interfere in this matter nor express any prejudice

nor put pressure on the people of Taiwan in this matter. At the same time, we have an abiding interest and concern that any resolution may be peaceful." On the other hand, in another paragraph, the State Department says the United States does not propose to carry on a long-term policy of arms sales to Taiwan, but such sales will not exceed the quantities and quality of recent years; such sales will gradually decrease.

On November 14 we were presented with a very formal forum by top ranking heads of departments in the juvenile justice system of the Republic of China. We were given copies of the papers that were presented, papers explicitly prepared for us.

Steven Kuo, of the Department of Rehabilitation and Civil Liberties of the Ministry of Justice, spoke on the "General Situation of Juvenile Delinquency." Crime is present not only in the majority of societies of one particular species, he said, but in all societies of all types. "There is no society that is not confronted with the problem of criminality.....Undoubedly, crimes are the products of a society. The increase or decrease of a crime rate, the changes in the pattern of crime as well as the age and vocational distribution of criminals are closely related to social changes, politics, economy, education, legal systems and climate in a community."

A juvenile is defined in Taiwan as one between 12 and 18 years of age. Article Two of the Law dealing with Juvenile Cases also applies to youths under 12 years. "Potential juvenile delinquents are juveniles who stand a possibility of violating laws but have not yet actually committed crimes."

The number of delinquents has increased rapidly in the 5 years from 1979 to 1983, an increase of 31.5%. In that period, the juvenile population actually had decreased 1.6%. "Among juvenile delinquency cases, larceny and receiving stolen property constitute the major crimes committed, accounting for 48%." Most juvenile delinquents were between 16 and 18 years. In some age groups frequency fluctuated but "the under 12-year group did noticeably rise from 284 in 1979 to 497 in 1981, a sharp increase of 71%. Juvenile delinquents were predominantly of the junior high school level, accounting for 67%. "The fact that more than two-thirds of the juvenile delinquents are of junior high school level does not imply the failure of junior high school education. Since junior high school education is compulsory, it is natural that junior high school students take up a very high percentage among juvenile delinquents.....30.6% of the juvenile delinquents had left school half way. Perhaps keeping juveniles in the school system as long as possible could reduce the chance of juveniles violating criminal laws."

In that five-year period, 1979-1983, 36.65% of total juvenile delinquents were school students. Kuo suggests that "curricular pressures, in addition to a single curriculum standard that could not be applied to students of various levels of intelligence, aptitudes and interests, brought about a situation under which juveniles felt they had no sense of achievement. They, thereby, lost interest and motivation to study, and eventually either played truant or dropped out of school. Once they are out of school, chances are they will make undesirable friends, be exposed to bad habits, take up gang fighting and eventually break the law. This phenomenon has drawn the attention of educational authorities who have already planned to revise curricula and school standards and to increase flexibility in choosing courses."

When the Republic of China government noticed that one-quarter of juvenile delinquents were unemployed, it drafted a counselling plan for such juveniles...who have no aims in life.

Surprisingly, "more than half of the juvenile delinquents in the five-year period came from well-to-do families...and only 5% from poor families below subsistence levels....We can no longer regard a juvenile delinquent as someone stealing or committing something anti-social because of poverty and hunger."

Mr. Kuo stresses that among the top family factors playing a role in juvenile delinquency are "broken families, families with criminal backgrounds, disharmony between parents, abnormal parent-children relationships, too many children, improper education and discipline and poverty....among these the most serious is improper education and discipline....The discipline of children has become the biggest headache facing the parents, in that discipline...should be neither too strict nor too lenient. While attempting to chart a proper, in-between course, attitudes of both parents should be consistent, and both parents should agree on the discipline of their children."

Tsu Wen Lee, Section Chief, Department of Rehabilitation and Civil Liberties, presented a paper entitled "The Evaluation of the National Program for the Prevention and Treatment of Juvenile Delinquency." He said, "Human beings have encountered three social problems since time immemorial - disease, poverty and crime. Major breakthrough has been achieved for eliminating poverty and life expectancy in the Republic of China, but the problem of crime has been complicated by economic development, transformation of industrial patterns, rapid industrialization, commercialization, urbanization and modernization....thus changing the Republic of China from a developing state into a developed country and causing tremendous changes in inter-personal relationships and value orientation."

On August 4, 1979, the Republic of China Executive Yuan promulgated a "Program for the Prevention and Treatment of Juvenile Delinquency" and assigned this program to be carried out by the Ministry of Justice. Mr. Lee comments, "It was hoped that a double-barrel policy of making efforts in both the correction and prevention sides would help protect the future generations and lay the foundation of a prosperous and peaceful community.... Items of the Program, such as strengthening parental education, improving the counselling of juveniles and youths, further continuous purification of messages transmitted by mass media (A fancy phrase for censorship-AA), (A nice way of saying that the mass media pictures life with filth-LWA), further implementation of measures for preventing deviant behavior of juveniles and for preventing potential juvenile delinquents, are preventive measures of a positive nature. Items such as improvement of probation, improvement of correctional measures for juvenile delinquents and the improvement of juvenile reformatory education are mainly correctional measures after crimes have been committed. In addition, this program also includes detailed planning of after-care.... Prevention of drug abuse...is also included... because the problem has reached serious proportions."

This national program goes into great detail on strengthening parental education, stressing that "Schools of various levels should increase the number of meetings between parents and teachers and invite the attendance of specialists and scholars to give speeches on ways of education and bringing up children."

The program also stresses coordination of school counselling with family and social institutions, thus promoting counselling outside the schools. Mr. Lee recommended that "a general file and a specific file for individuals should be kept and should be transferred if the student transfers. School administration meetings may invite representatives of the Association of Students' Parents to participate."

This program from the Ministry of Justice refers to the Ministry of Education and says that the children who are involved in the justice program should get a program that emphasizes vocational and technical education. "If junior high school graduates opting for employment, students expelled from junior high school, juveniles sentenced to serve reformatory or peace-preserving measures, or juveniles who have completed their sentences....register with vocational assistance agencies or have their files submitted for reference by government agencies, the various vocational assistance agencies (under the jurisdiction of the Department of Social Affairs)....should do their utmost to get them employment or vocational education."

On the mass media, Mr. Lee urges that "Newspaper, TV and radio coverage of events relating to violence, sex and crime should exercise self-restraint...and should avoid commercials and photos involving sex, so as not to affect good morality."

On drugs, Mr. Lee recommends that "Criminal responsibilities for producers and sellers should be made more severe ...and punishment for juvenile drug addicts should be determined flexibly, depending upon if the addicts are first, repeat, occasional, or habitual offenders."

Juvenile divisions of the police "should constantly patrol places that are detrimental to the mental and physical health of juveniles, and punish severely whoever admits juveniles to such places. Juveniles should be strictly prohibited from frequenting dance halls, bar houses, or bordellos."

Mr. Lee points out that "a juvenile, on completion of reformatory education or criminal sentence, or on being granted amnesty, and who has not been sentenced...within five years, is regarded as having not been sentenced at all." The record is eradicated.

Emphasizing that prevention is more important than treatment, Mr. Lee urges that "the government should appropriate more funds and increase the number of full-time staff to improve probation work....More university and college students should be recruited to help supervise probation...Honorary probation officers...should undergo necessary training by the Juvenile Court."

"Investigation and classification of juvenile inmates should be improved upon and carried out by more staff selected from among qualified graduates. Adult inmates should be removed from juvenile prisons, and misdemeanor juvenile inmates should be accommodated separately from those who have committed more serious offenses. Half-way houses should be established to help juveniles who are soon to be released from prison and reformatory education to readjust themselves before going back to the community.

"Juvenile Reformatory and Training Schools should seek funds to improve facilities, intensify technical training and implement cooperation between industries and schools....should implement follow-up counselling....in order to prevent recidivism. Recalcitrant and defiant students from Juvenile Reformatory and Training Schools should be sent to a special class in the Vocational Training and Disciplinary Team under the Taiwan Garrison Command. A family style reformatory agency should be set up to accommodate children and occasional juvenile delinquents."

In August 1983, the results of the program were evaluated, and many important suggestions were made, including the following:

1. We need to strengthen parental education since family factors come first in assessing causes of juvenile delinquency.

2. Provincial or special municipal governments should appropriate a specific amount for the promotion of parental education and work together to publish a family education series in order to avert overlapping efforts.

3. Private sectors should be induced to make efforts and investment to help promote the protection of children and to help rehabilitation of handicapped children.

4. A mental health act should be enacted to promote children's mental health.

5. A deputy unit chief should be appointed to the dean's office in schools to be in charge of the disciplining and counselling program.

6. Teachers who have extra responsibilities as class tutors should get improved training in techniques of counselling, and their remuneration should be increased.

7. Students who have been punished should be given a second chance, and rules should be established allowing such students to offset misbehavior by good deeds.

8. The Yu-Shih Recreation Camps, established to counsel students who find it difficult to adjust, are a model worth imitation by schools during summer and winter vacations.

9. There is a need for more local vocational training centers to meet the needs of High School or Vocational High School graduates, who have completed their military service, youths who are out of school or out of jobs, youths who are physically handicapped, and youths who are under after-care. A modernized apprentice training system is needed.

10. Loans for helping youths start businesses should be expanded. Relevant and necessary information should be computerized for improving employment service.

11. It takes more people and more money to do a better job in preventing drug abuse among juveniles. Results would be better if the Executive Yuan holds one agency responsible. "The degree of addiction needs to be ascertained by scientific means to facilitate individualized treatment and cure....the National Health Administration....should convene a national symposium on drugs to find out feasible solutions and to achieve better publicity."

12. Extensive counselling is needed "for juveniles who are on the verge of committing crimes."

13. Provincial and municipal police forces should establish juvenile divisions.

14. Juveniles who have already joined undesirable gangs should be advised to join the Tu-Shi Recreation Camps. Follow-up counselling should be conducted to ensure that activities of undesirable gangs do not go underground.

15. A reasonable workload should be established for probation officers. Probation treatment should be expanded because it is more economical than institutional treatment, and more effective in reducing recidivism.

16. The administration of criminal justice used to regard punishment as its purpose; rehabilitation has now become its main purpose. The ideal now lies in the readjustment of juveniles into community life.

17. The juvenile prison should strengthen its contacts with schools, religious and other concerned groups, and expand its counselling service for released delinquents.

18. Juvenile house could take the form of a halfway house and could be set up at a place near the juvenile correctional institution.

The Ministry of Justice should ascertain the specific functions of the three juvenile reformatory and training schools...with a

view to improving the theory and practice of teaching, counselling and discipline in a comprehensive way. It should invite scholars, specialists and institution-supervisors to form a special study group ...to do an overall planning of the courses and counselling to be offered from now on.

19. Juvenile.....institutions should strengthen contacts with nearby educational institutions and tap whatever social resources are available, to develop reformatory education through joint efforts.

20. Remuneration and working conditions of institutional staffs should be improved to attract new blood. On-the-job advanced education should be provided for staff.

21. Juvenile reformatory education should orientate towards the development of a sense of honor and the rehabilitation of human dignity, rather than strict discipline and negative sanctions.

This evaluation has a very realistic view and many of its recommendations would find a welcome place in an honest evaluation of New York State and United States rehabilitation programs.

Marissa Mong Yung Cheng, Chief Judge of the Taipei Juvenile Court, presented what she called "A Brief Introduction to the Juvenile Court and the Law Governing the Disposition of Juvenile Cases of the Republic of China." The law presently in effect had been originally promulgated in 1962, extensively revised and amended in 1976. She argued, "An ideal law dealing with juvenile cases should satisfy the following conditions:

1. Focus upon the needs of youth.

2. Pay close attention to the...idea of personalized justice and the constitutional rights of the juveniles.

3. The juvenile court must remain a court - a court of equity - with constantly improved administrative facilities.

I deeply believe that....our law meets the above requirements."

The juvenile courts.....are actually divisional courts, not separate independent courts....Nevertheless, tne judge

who hears juvenile cases always conducts his court proceedings quite independently.

The personnel of the juvenile division...consists of judges, probation officers, clerks and bailiffs. Judges appointed to juvenile courts must possess, in addition to the usual qualifications required for sitting in a general court, adequate knowledge and experience in juvenile reform work. Probation officers assigned to the court must be graduates of a university or college in either law, education, sociology, psychology or related courses, and have passed a civil service examination for probation officer. Their two major functions are (1) making social studies of cases referred to the court and (2) supervising juveniles placed on probation. Therefore, probation is central to the juvenile court's special function.

The juvenile division has jurisdiction in all types of juvenile cases, including criminal and reformatory cases. Juveniles are those between the ages of 12 and 18 years.

There are two categories of Juvenile Criminal Cases:

1. A mandatory juvenile criminal case is one in which the minimum penalty provided by the Criminal Code is at least 5 years' imprisonment. Such cases include homicide, kidnapping, robbery, rape and arson.

2. A discretionary juvenile criminal case is one in which a juvenile has committed one of the offenses specified in Paragraph 2, Article 27 of the Law...and to which the judge in his discretion considers it appropriate to impose a criminal penalty on the juvenile. Such cases include those in 1., offenses of interference with public functions, offenses causing bodily harm, preparation to commit an offense of homicide, and offenses of receiving stolen property.

Juvenile Reformatory Cases involve petty offenses, other than those mentioned above, including misbehavior, indicating that a juvenile has the inclination to commit criminal offenses in the future, for example:

1. Having constantly associated with habitual criminals.
2. Having frequented places where a juvenile's presence is prohibited.

3. Having constantly played truant or run away from home.
4. Having participated in an undesirable gang.
5. Having constantly carried a knife, sword or other lethal weapon without a justifiable reason.
6. Having constantly loitered at midnight or having habitually violated police law (regulations).
7. Having smoked, taken or injected drugs such as cocaine, heroin, opium, morphine, marijuana, anesthetics, or one of their derivatives.

After a detailed description of local procedure, not especially relevant to us, the judge called attention to special features of the juvenile court:

1. Privacy of records: On the ground of protecting the reputation of the juvenile and his parents, the publication in newspapers, magazines and other periodicals of any report or photograph concerning the juvenile court hearing or the prosecution of a juvenile is forbidden.

2. Parental Responsibility for Juvenile Delinquents: To stimulate parents to discharge their parental obligation, the punishment of the statutory agent (including parents), of the juvenile is authorized. This is in accordance with the civil code which provides that parents are the statutory agents of their minor children and a guardian is the statutory agent of his ward.

3. Expungement: The record for a juvenile is expunged if he has not been sentenced to imprisonment repeatedly within 5 years.

4. Collaborating Adults: When an adult abets or takes advantage of a juvenile in committing an offense, the statutory penalty for the adult's offense should be increased up to one-half. An adult is one over 20 years of age.

5. Wide Use of Probation: "Probation is the right arm of the juvenile court." Its wide use is urged.

Ching-Hua provided "A Brief Introduction to the Probation System." The qualifications stated are consistent with those recited above.

Generally, each probation officer takes care of 150 juveniles and adults on probation and 15 to 45 juvenile cases of pre-hearing investigation each month.

Duties include, subject to order and supervision of the judge;.

1. Conducting pre-hearing investigation of juvenile's personality, physical condition, family situation, educational background, past experience, social environment and acts committed; submitting a report to the court; sometimes being present in court at the hearing, to express opinions.

2. Managing probation measures - appraising the juveniles of rules of conduct, maintaining constant contact with the juvenile, watching closely his activities, advising and teaching him from time to time.

3. Executing guidance and assistance to juveniles on holiday.

4. Observing the juvenile for a period of time decreed by the court; after this period, submitting a report and recommendations.

5. Executing warrants.

6. Performing temporary guidance before conclusion of the case.
The working methods of the probation officer include field visiting, counselling, psychological testing, case study, group therapy and referral.

There are about 1000 volunteer probation officers, who assist the delinquent in maintaining good behavior or who donate useful books and properties to the juvenile division.

There is a Big Brothers and Big Sisters movement, established in 1974. They are, in reality, junior or senior college students majoring in law, education, criminal prevention and correction, sociology, psychology, who are interested in social case work. Each helps from 1 to 3 juveniles under direction of a probation officer.

There is another civic association called "The Probation Association" established in April of 1980, with over 2000 members, mostly businessmen, scholars and probation officers. Its main purpose is to coordinate the varieties of social resources useful for probation service and to offer concrete opinion on probation policy to the judicial authority. Each year it offers a medal and reward for the model probation officer or parent. It promotes international exchange of probation professional activities.

Chuen-Jim Sheu presented a paper on "The Theory and Practice of the Juvenile Police." The author is chairman of the Department of Crime Prevention and Correction at the Central Police College. Mr. Sheu believes that "Crime prevention is one of the positive functions of the police and crime investigation its negative function." He recalled that the first juvenile police team was established by the Nationalist Government in Shanghai in 1947 while still in power on the mainland. The juvenile police division established in 1956 in Taipei was under the command of the Chief Criminal Detective. Because of mounting juvenile crime, the division was expanded in 1965 to become a juvenile police team under direct command of the Commissioner. Such teams now exist in all areas of the island.

The principles of the team are prevention and assistance, police familiarity with disciplines such as psychology, law, sociology, counselling education, techniques of scientific investigation, secrecy.

There are about 65 juvenile police officers who undertake the following major tasks:

1. Delinquency Prevention Programs.
2. Youth Assistance and Counselling Programs.
3. Patrol Operations - a primary prevention measure.
4. Investigation and Surveillance of Juvenile Gangs.
5. Investigation of Criminal Cases.

Summarizing, he says, "To effectively deal with juvenile offenders, reduce and prevent juvenile delinquency, we are trying to systematize and professionalize the juvenile police forces to make them effective tools in preventing and combatting juvenile delinquency."

Margaret Pong gave us an introduction to the Taiwan After-Care Association, a privately operated organization founded in 1946. The government's After-Care Act took effect April 8, 1976. Under this Act, the Association operates under the supervision and control of the Ministry of Justice.

The purposes of the Association are to prevent the released from breaking the law again, "to help them with love and humanity, to solve their problems so that they may regain warmth and care from the society, and become useful members of the society with their repented new lives." The Association includes on its Board of Directors, the Chief Judge of the Taiwan High Court, prestigious educators, industrialists and philantnropists. The Association picks up with after-care of

parolees, released prisoners, those under conditional sentence etc., where the probation officer is about to stop. It tries to provide jobs and dormitories. It offers vocational training and medical care. It provides temporary financial care for the released, including loans.

Between 1954 and 1981, the Association gave employment assistance to 3,838, education assistance to 2,268, medical aid to 479, shelters to 2,777, temporary protection and travel expenses to 154,450.

Of the programs outlined above, I find that there are many items worthy of further study. The program is realistic, it involves coordination with the educational system, it emphasizes the importance of reaching out to parents, and establishing their responsibility. It uses the Big Sibling concept among college students who might be considered interns in the probation program. It respects the probation officer. It recognizes accountability and the need for constant cooperation and review.

Very important is the concept of the Juvenile Reformatory Case, that is the juvenile with the "inclination to commit crime." This is worthy of study.

We visited the Taiwan Tao-Yuan Juvenile Reformatory and Training School. The first sentence in its publication says, "The rehabilitation of juvenile delinquents is an important link in maintaining the security of the social system. The purpose of this institution is to deliver correctional education to juvenile offenders."

Total capacity is 600. They are assigned by the Court. Upon admission, they are subjected to thorough investigation and classification. Their program includes academic education, social living education, moral education, recreation. The program seeks changes in moral attitudes and behavior as well as academic achievement.

The law allows up to 3 years at the school, but after 6 months, the school authorities may apply to the Ministry of Justice for release for those for whom no further stay is believed necessary. If the inmate turns 21, his stay will be discontinued.

The program emphasizes moral education; its success must be measured by the student's daily living activities. To correct the student's laziness and undisciplined behavior, military training is included and stressed. Monthly birthday parties are held for all students born in that month; parents of the birthday honorees are invited to attend. "Not only do the parents enjoy a happy reunion with their children, they also

become acquainted with the school environment and activities." Extracurricular activities include the band, the chorus, musical instruments and ball teams. Team instructors include professional experts hired from outside.

Contests for bulletin boards, speech, handwriting, painting and singing are held, and rewards and prizes are given "to inspire achievement, motivation, and a sense of honor." Each dormitory has a TV set, available for use in the evening or during the weekend and holidays. Movies are scheduled almost every week and during holidays.

"Different religious groups are scheduled to come and are introduced to the students according to their religious beliefs and interests."

The Student Guidance Center is responsible for:

1. Collecting student information (through testing, observation and investigation).

2. Counselling and guidance.

3. Follow-ups and after-discharge guidance.

4. Students' mental health.

Reformatory regulations require that "All students in the reformatory and training schools should be provided academic and/or skill training." There are three skill training classes in the facility: electrical wiring, automobile repair and maintenance, and printing. (We were impressed with the modern make of the machines in the shops and the realistic attitude toward vocational education.) "Twice a year, the Vocational Training Bureau in the Ministry of Interior comes to evaluate the skills learned. A certificate is issued if the student has acquired the necessary skills."

The point of view of the administration is "Today's juvenile offenders might become tomorrow's adult criminals. Juvenile correction is society's last chance to prevent an adult criminal career....The concept of correctional education refers to certain antisocial behavior on the part of children and young adolescents which indicates their need for specialized supervision, guidance and treatment. Therefore, the child lawbreaker is not to be considered a criminal.... The school is not a place to punish. ...We serve a 'prevention' and 'education' function... The most crucial stage of the school's work is the preparation of juveniles for their return to the community..... The recruitment of qualified personnel and the establishment of inservice training programs, for professional growth of correctional facility workers deserve the most pressing attention.... It is

imperative to develop, evaluate and improve programs for the correctional institutions."

We were shown a series of slides about the school, another indication of a fine public relations program. We heard the chorus and the band. We saw the wall posters. We saw the group birthday parties. We saw the Big Siblings assigned to some of the juveniles; the credit given to teachers for their hard work, and the proud claim that when the juveniles return to society, they will respect law and not abandon the principles they learned. It was a well-designed slide program for students, families, and the public.

We also visited the Hainchu Juvenile Prison, the only one of its kind in Taiwan. It accommodates 1,308 offenders. As of October 31, 1984, about a week before we arrived, the population was 910: 474 were less than 18 years, 436 were over 18 and less than 20 years, 97% were male. Fifty-one per cent had been factory workers; 49% were from junior high school; 66% were from well-to-do families, 75% had both living parents. Thirty-two per cent had been charged with robbery and 54% had been sentenced to more than 5 years.

In order to carry out the classification system and to build up case data, and to determine which correctional measures should be imposed, the following diagnostic scheme is used:

1. Direct investigation: inmates are first given a seminar inside the campus with direct examination by the medical doctor, moral instructors, labor instructors etc.

2. Indirect investigations: Questionnaire forms are mailed to parents and precinct police to be filled out and returned.

3. Psychological tests: (including the California Psychological Maturity Tests), attitude tests, occupational interests etc.

4. An individual treatment program is drafted.

The Li Teh Supplemental School is established with the institution to provide regular education. Moral instruction is given on a group basis on Sundays, holidays, and other leave days. There are also selective moral instructions based on the diagnostic classification and individual moral instruction with people who can judge their reactions and attitudes. Religious activities are provided.

The Li Teh Supplemental School program covers the phonetic signs on Chinese characters and the characters in daily use, mathematics, science, mechanical engineering, automobile maintenance, water and electricity skills.

There is a broadcasting center which features stories of national heroes, legal knowledge, moral encouragement, Sun Yat Sen's doctrines, Chiang Kai-Shek's teachings, and some dramas. Recreation activities include movies, social education, basketball, volleyball, table tennis, swimming, chess, foreign languages; physics and chemistry courses are provided during vacations by college students.

There are 5 kinds of correctional institutions in Taiwan: prisons, juvenile detention and classification centers, reform and training schools, compulsory labor camps, institutions for narcotic addicts.

Another example of Taiwan's Justice Department's public relations program was a video tape which we saw about their total criminal justice program. This positive stance about telling the public what the Justice Department is doing for the children and for the city would be worthy of imitation.

What did we learn from the visit to Taipei?

This government has a carefully worked out program for the prevention and correction of juvenile delinquency. The program includes extensive work with parents and with education personnel. Above all, the government of Taiwan utilizes the latest techniques of advertising to tell the public what the needs of the government are and what the plans are for juvenile justice. In the correctional institutions which we visited we saw up-to-date machinery for vocational education such as might be the envy of administrators in New York City schools for those not in difficulty with the law.

SUMMARY

What are the highlights of the visits to Tokyo, Beijing, Hong Kong and Taipei at this time by the Juvenile Justice Delegation of People to People International?

1. Juvenile justice is perceived as important enough to merit cabinet concern, not merely by proclamation, but by implementation. Our juvenile crime situation might be improved by federal drug abuse and gun control laws.

2. Early diagnosis and identification of juveniles with incipient problems resulting in classification for preventive care is very attractive. Provision of such centers might be considered a means of reducing the size and the varied needs of large places of incarceration. If it can be implemented within the framework of our legal system, it should find favor with administrators and teachers of our schools. It would certainly provide an alternative educational program with a clear, constructive purpose.

3. Expansion of the Department of Probation, increase in the variety of alternatives to incarceration, and careful extension of the probation officers' responsibilities to planned and supervised after-care are worthy of study and replication.

4. Evaluation of the current PAL program and careful consideration of the Hong Kong Junior Police Call as an extension of PAL is recommended.

5. Community involvement, development of community responsibility on an individual and group basis, planned public relations programs for the public to learn what the justice system is doing and what are the costs and values, and educational programs for parents should be promulgated at the highest level.

6. Continuity of attention for a juvenile from one judge and one probation officer should be a goal, however costly.

If we can implement some of the above, the delegation's efforts will be worthwhile.